



Sales of HANDICRAFTS

Made from Nonedible Byproducts of Brown and Black Bears

At its May 18-20, 2004 meeting, the Federal Subsistence Board adopted regulations allowing the sale of handicrafts made with **brown bear** fur from bears taken for subsistence in the Southeast Alaska, Eastern Interior, and Bristol Bay regions. The Board also clarified its intent to continue to allow the sales of handicrafts made with **black bear** fur (including the claws) which has been allowed in Federal regulations since July 1, 2002. In May of 2005, the Board adopted additional regulations allowing the sale of handicrafts in Southeast Alaska made from bones, teeth, sinew, or skulls of bears harvested under Federal Subsistence regulations in Southeast. The Board also modified the definition of handicraft (see below) and changed the regulatory language to replace the term "fur" with the phrase "skin, hide, pelt, or fur".

To implement these Board decisions, the new Federal Subsistence regulations clarify that subsistence users may sell handicraft articles made from **black bear** "skin, hide, pelt, or fur", which can include the claws, taken statewide; and

handicraft articles made from **brown bear** "skin, hide, pelt, or fur", which can include the claws, taken from Units 1-5, 9A, 9B, 9C, 9E, 12, 17, 20, and 25. Rural residents of Southeast Alaska (Units 1-5) can also sell handicrafts made from bones, teeth, sinew, or skulls of subsistence harvested black and brown bears in Southeast.

The new regulations:

- Do not affect the rules on sharing and barter. Federally qualified subsistence users may continue to barter fish or wildlife or their parts, taken under Federal subsistence regulations.
- Are consistent with the views expressed by some Regional Advisory Councils that rural residents traditionally utilize bear hides and/or claws in handicrafts and for regalia. The sale of these items is a customary practice consistent with the intent of Title VIII of ANILCA.

What is the Federal Subsistence Program definition of "bear skin, hide, pelt or fur"?

Bear skin, hide, pelt or fur defined in the Federal Subsistence Program regulations includes the entire external covering of the bear, with claws attached. Therefore, the use of the terms "skin", "hide", "pelt" or "fur" throughout this brochure means the external covering of the bear, including the claws.

What is a handicraft?

A **handicraft** is defined as a finished product made by a rural Alaskan resident from nonedible byproducts of fish or wildlife, which is composed wholly or in some significant respect of natural materials. The shape and appearance of the natural material must be substantially changed by the skillful use of hands by sewing, weaving, drilling, lacing, beading, carving, etching, scrimshawing, painting, or other means, and incorporated into a work of art, regalia, clothing, or other creative expression, and can be either traditional or contemporary in design. The handicraft must have a substantially greater monetary and aesthetic value than the unaltered natural material alone.

What is meant by "substantially changed"?

The regulation says that both the shape and appearance of the material must be changed. This can be accomplished by incorporating the

material within the handicraft item, such as sewing, lacing, drilling or otherwise attaching the fur or claws to a garment or hat, or pendants or similar jewelry items, and/or by carving, etching, scrimshawing or painting a design on the claws and/or skin/hide/pelt/fur.

What kinds of products made from bear skin, hide, pelt, fur or other eligible parts qualify as handicrafts that can be sold?

Parts of the skin/hide/pelt/fur (and/or claws) or other eligible parts substantially changed into any handicraft may be sold. Bear claw necklaces or similar products, which don't incorporate any other part of the fur, meet the definition of handicraft if each individual claw, tooth, bone piece, etc., is artfully attached to something or incorporated into a design, through the use of an artistic technique such as sewing, mounting, drilling, carving, scrimshawing, etching or painting, and resulting in a substantially greater monetary and aesthetic value. Bearskin rugs and mounts cannot be sold, as they do not meet the definition of handicraft in which the shape and appearance

of the natural material has been substantially changed.

Can these handicrafts be resold? By whom?

Yes. However, only Federally qualified rural residents are allowed to sell or resell handicrafts made from bear skin/hide/pelt/fur and/or claws harvested for subsistence under Federal regulations on Federal public lands. State regulations, which apply to all Alaska residents, allow for the sale of handicrafts made from bear fur, but not claws. For more information about State regulations, contact

the Alaska Department of Fish and Game. In addition, the transport of bear parts between states or countries may be subject to both State and Federal permitting, including the Convention on International Trade in Endangered



Species of Wild Fauna and Flora Act (CITES) for species such as bears, which may become threatened or endangered if trade is not strictly regulated and monitored.



BEAR HANDICRAFTS (continued)

Can I send a bear hide outside of Alaska to be tanned and returned for use in handicrafts?

Yes. It is not the Federal Subsistence Board's intention to prohibit qualified individuals from sending hides out of Alaska to be tanned. However, keep in mind that it is required that the individual comply with all State and CITES requirements.

Can I drill a hole through a bear claw, add a string to make it into a necklace, and call that a handicraft?

No. The definition of handicraft requires that the natural material be substantially changed, which results in a greater monetary and aesthetic value. A bear claw on a string does not substantially alter the value and appearance of the natural material.

Can I send bear hides or other eligible parts outside of Alaska to be used in the manufacture of handicrafts for sale?

No. The regulation passed by the Federal Subsistence Board was intended to allow the customary practice of selling locally made handicraft items consistent with the intent of Title VIII of ANILCA. The regulation requires that the items be made by rural Alaskans. Items manufactured outside of Alaska therefore would not be consistent with the Board's intent. However, rural Alaskans may create their handicrafts when temporarily traveling outside the state, but are cautioned to become aware of any local laws (state or international) regarding the possession of bear parts.

If I am not a Federally qualified rural resident of Alaska, can I purchase bear fur handicrafts and/or bear claw handicrafts from a Federally qualified rural resident?

While there are no Federal subsistence regulation limits on who may purchase these items from Federally qualified rural residents, it is the opinion of the Federal Subsistence Board that sales authorized in Federal subsistence regulations allow purchase by anyone. However, be aware that State officials may disagree with this interpretation and could decide to prosecute persons buying handicrafts made with subsistence harvested bear claws and other bear parts not authorized under State regulations.

As a business owner in a non-rural area, can I sell bear handicrafts to tourists?

Yes – But only handicrafts made with bear fur (not bear claws or other parts) as authorized under State regulations.

Is it legal for the sale of handicrafts made from subsistence-harvested wildlife to occur outside of Federal jurisdiction?

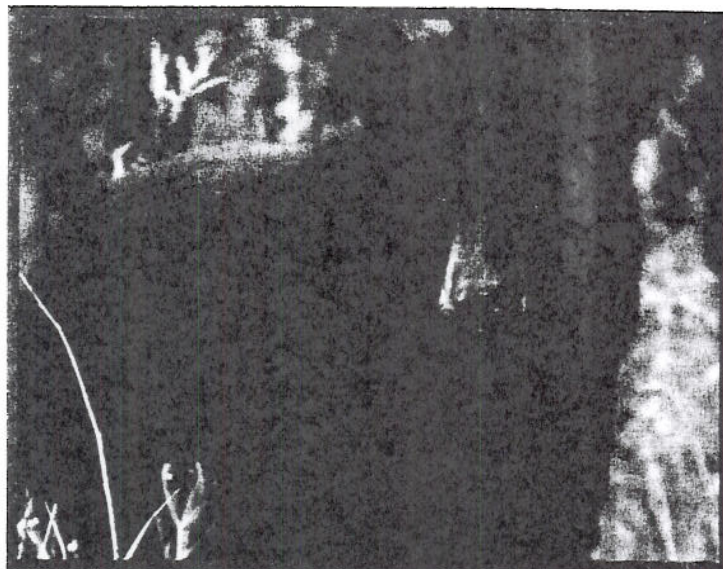
It is the opinion of the Federal Subsistence Board that Federal regulations governing the sale of handicrafts made from subsistence-harvested wildlife extend to any legally taken subsistence wildlife regardless of where the actual cash transaction takes place. However, be aware that State officials may disagree with this interpretation and could decide to prosecute persons selling subsistence harvested bear claws or other parts on State or private lands.

Do I need a Federal permit to take a bear handicraft out of Alaska?

Lawfully created handicrafts made from authorized parts of black or brown bear must be accompanied by a valid CITES permit issued by the U.S. Fish and Wildlife Service if exported from Alaska to another country. However, no permit is required for those traveling through Canada to the lower 48 states, if the handicraft is transported in personal accompanying baggage. For more information on CITES permits and requirements visit the U.S. Fish and Wildlife Service Internet web site at <http://alaska.fws.gov/law/permits.htm>, or contact the U.S. Fish and Wildlife Service law enforcement at (907) 271-6198 or e-mail ak_le@fws.gov.

Can any black bear or brown bear skin, hide, pelt, fur, claws, or other eligible parts be used under this regulation?

No. This regulation applies only to bears harvested under Federal subsistence regulations on Federal public lands. The State



of Alaska has a similar, but more limited regulation that allows the sale of handicrafts made from black bear and brown bear fur, not including the claws or other parts. Therefore, only claws from black bear harvested under Federal subsistence regulations can be sold as handicrafts; only claws from brown bear harvested under Federal subsistence regulations within the Southeast Alaska, Eastern Interior, and Bristol Bay regions can be sold as handicrafts; and only bones, teeth, sinew, or skulls from bear harvested under Federal subsistence regulation within the Southeast Alaska region can be sold as handicrafts under these regulations.

Are sharing and barter affected by these regulations?

No. Sharing and barter are not affected by these regulations. Under Title VIII of ANILCA, sharing and barter by Federally eligible subsistence users are protected. **Sharing** refers to distribution of subsistence foods without receiving something in return, while **barter** is the limited exchange of subsistence-harvested fish and wildlife for goods other than cash.

Can these regulations be changed?

Yes. If anyone identifies a need to modify or provide for region-specific regulations, these regulations can be revised through the annual regulatory review process.

Attachment 3
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For More Information

Contact Dan LaPlant at the Office of Subsistence Management, (800) 478-1456 or (907) 786-3871 (dan_laplant@fws.gov), fax (907) 786-3333 or write the Office of Subsistence Management, 3601 C Street, Suite 1030, Anchorage, AK 99503

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